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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,376

03/17/2004

Elgin Robinson

R04-1019

3809

27257

7590

04/17/2006

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,376	<b>Applicant(s)</b> ROBINSON ET AL.	
	<b>Examiner</b> Philip Gabler	<b>Art Unit</b> 3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 10, and 15 are objected to because of the following informalities: each contains a spelling error. The word "lest" should be "least" on line 1 of claims 1 and 15, and line 2 of claim 10. Appropriate correction is required.
2. Claims 1, 2, and 19 are objected to because of the following informalities: the table top is referred to as a "tabletop" in these claims. It is assumed that these terms are indicating the same structure; however, the same term should be used consistently (i.e. "table top"). Appropriate correction is required.
3. Claims 8 and 9 are objected to because of the following informalities: the "at least one opening" is referred to as only "the opening" on line 3 of each claim. The phrase "at least one" should be added. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 3, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 3, it is unclear whether the "table portions" are the table top portions, or are portions of the table in general. Accordingly, the claim is deemed indefinite.

7. Claims 5 and 6 both recite the limitation "said means to facilitate retaining" in the first line of the claims. There is insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 7, 8, 14-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Liang (US Patent Number 5778800).

10. Regarding claims 1 and 15, Liang (Figures 1, 4, and 7) discloses a table (Figure 1) positionable on a base surface (a floor or similar surface, which is not shown, but would clearly be necessary to support the table), comprising: a tabletop (10, 11) provided with at least one opening (16) formed within said tabletop, a waste receptacle (40) detachably secured within said at least one opening and suspended on engaging members (20, 30) extending along a periphery of said at least one opening, an opening cover (6) for selectively covering said at least one opening; and an adjustable support

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means (legs 12, 18) secured to the table top for supporting said table top at a predetermined height above the base surface.

11. Regarding claim 2, Liang further discloses the tabletop is comprised of foldable portions (10, 11) hingedly connected to each other along a center line of the tabletop (see figures).

12. Regarding claims 7 and 18, Liang further discloses said opening has an upper part (150) and a smaller size lower part (section below 150 forming the lower face of the groove), and wherein a peripheral (recessed) lip is formed between the upper part and the lower part, on which said cover rests when engaged to cover the opening.

13. Regarding claims 8 and 16, Liang further discloses said cover is provided with an upper portion (upper portion of 6 including 60) configured to fit within the upper part of said at least one opening and including an upper surface (upper surface of 6) extending flush in a co-planar relationship with a top surface of the table top (see Figure 7), and a lower portion (below 60) configured to fit within the lower part of the opening.

14. Regarding claim 14, Liang further discloses said adjustable support means comprises a plurality of supporting legs (12, 18) detachably engageable with the table top, and where each of said support legs can be selectively extended in length upon demand (18 slides within 12 and is locked with components 120, 180).

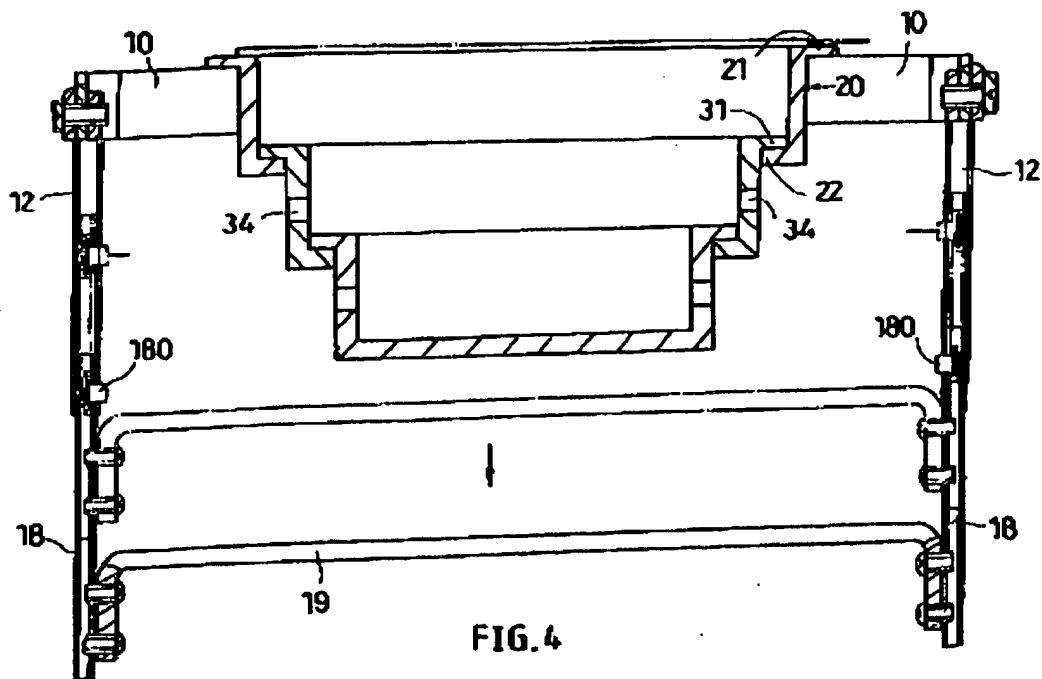
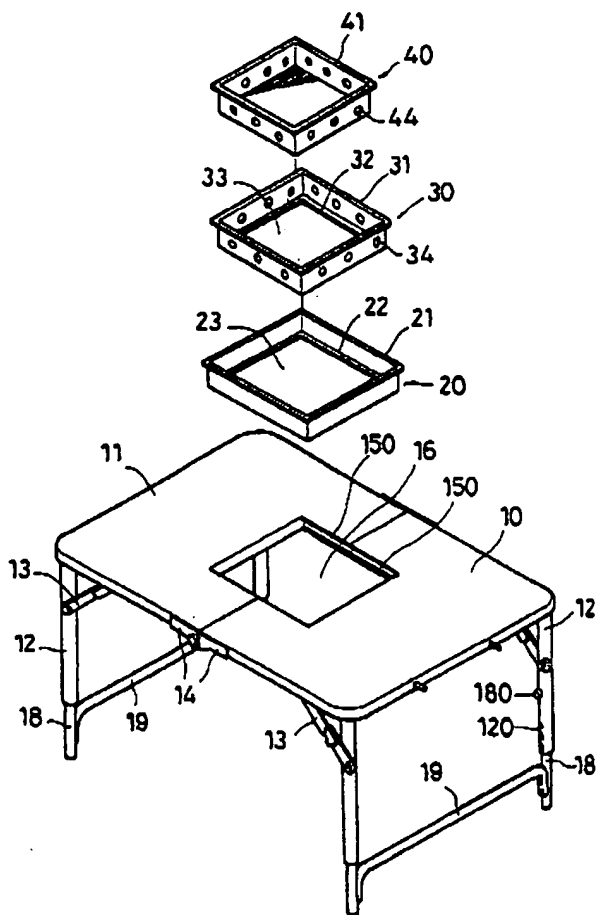
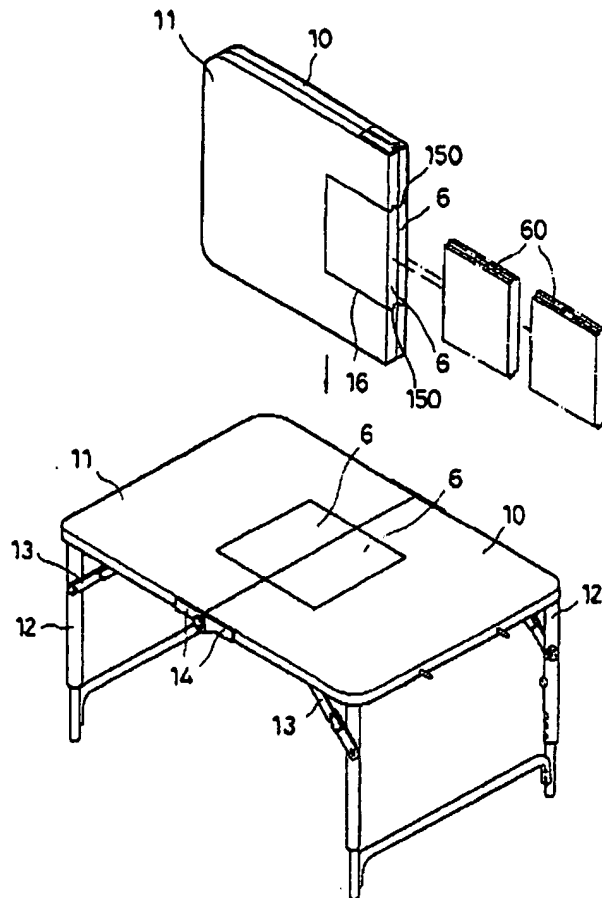


FIG. 4

Liang '800 Figure 4



**FIG.1**



**FIG.7**

Liang '800 Figures 1 and 7

15. Claims 1, 7, 8, 10, 12, 13, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Brenny (US Patent Number 2683639).

16. Regarding claims 1 and 15, Brenny (Figures 1, 2, 4, and 5) discloses a table (Figure 1) positionable on a base surface (a floor or similar surface, which is not shown, but would clearly be necessary to support the table), comprising: a tabletop (5) provided with at least one opening (10) formed within said tabletop, a waste receptacle (21)

detachably secured within said at least one opening and suspended on engaging members (18) extending along a periphery of said at least one opening, an opening cover (14) for selectively covering said at least one opening; and an adjustable support means (legs 6) secured to the tabletop for supporting said tabletop at a predetermined height above the base surface.

17. Regarding claims 7 and 18, Brenny further discloses said opening has an upper part and a smaller size lower part (the upper and lower parts can be seen in Figures 4 and 5, and are described in column 2 lines 13-17), and wherein a peripheral (recessed) lip (12) is formed between the upper part and the lower part, on which said cover rests when engaged to cover the opening.

18. Regarding claims 8 and 16, Liang further discloses said cover is provided with an upper portion (upper portion of 14 seen in Figure 4) configured to fit within the upper part of said at least one opening and including an upper surface (upper surface of 14) extending flush in a co-planar relationship with a top surface of the table top (see Figure 4), and a lower portion (lower portion of 14) configured to fit within the lower part of the opening.

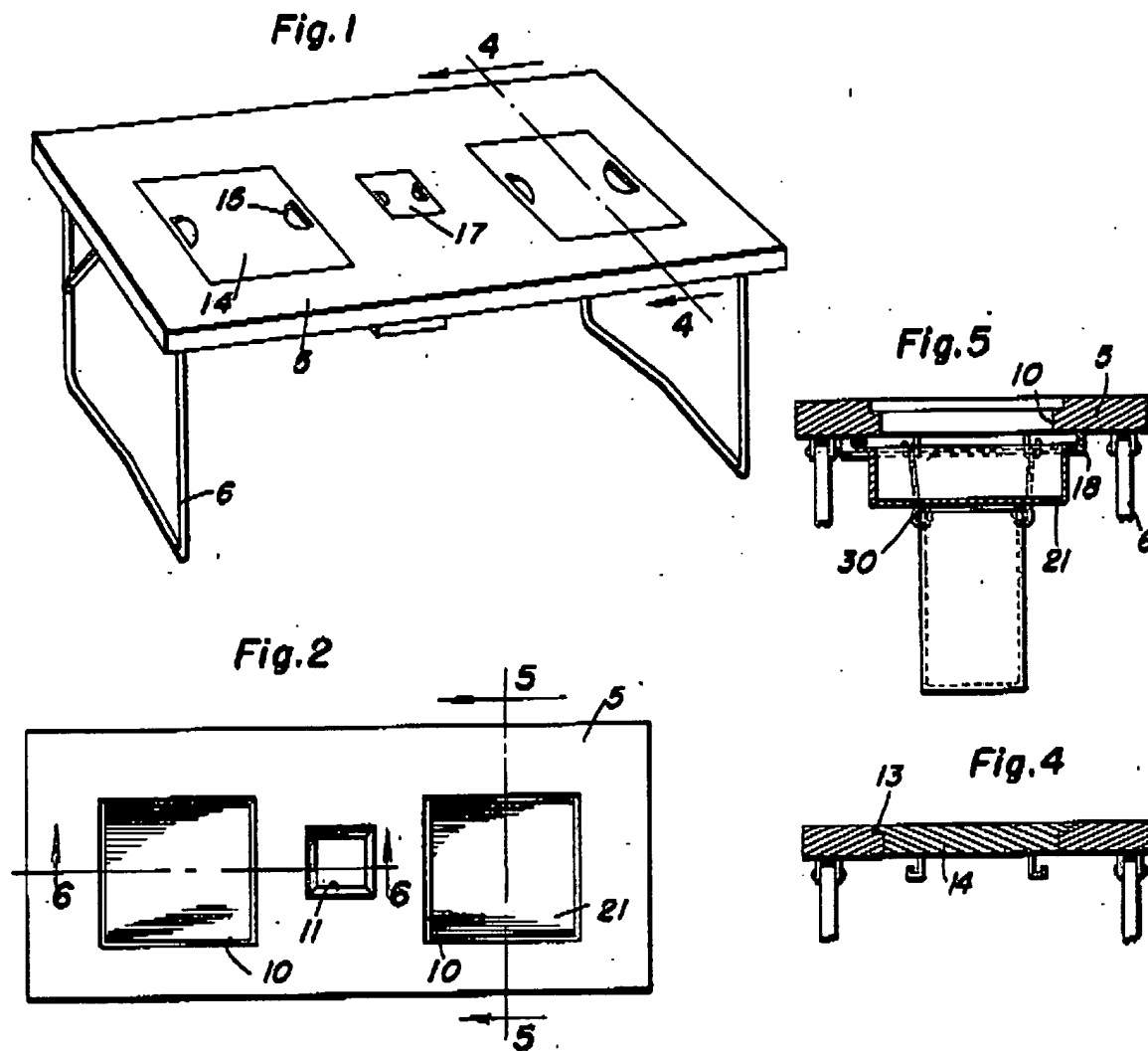
19. Regarding claim 10, Brenny further discloses a plurality of waste receptacle engaging members (multiple pieces 18) are secured to the table top within said openings.

20. Regarding claim 12, Brenny further discloses said waste receptacle engaging members comprise hook-shaped members with hook partition extending inwardly into said at least one opening (see figures).



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21. Regarding claims 13 and 17, Brenny further discloses a plurality of openings (10), and wherein a waste receptacle (21) is detachably secured within each of said openings.



Brenny '639 Figures 1, 2, 4, and 5

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

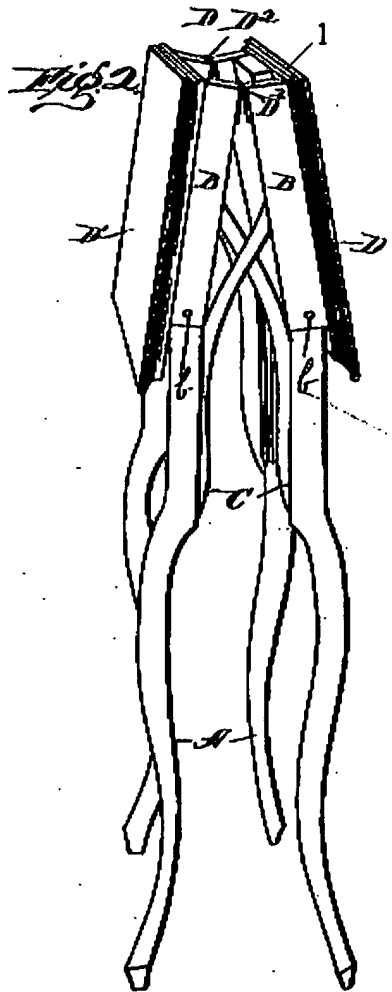
23. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang in view of Bartelle (US Patent Number 587518). Liang discloses a table as recited in claim 2 including a hinge (14) but does not disclose an inclined surface on a fold edge.

Bartelle (Figure 2) discloses an inclined surface (viewed as 1 in Exhibit 1) on a fold edge. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an inclined surface on Liang's table as taught by Bartelle because this could help support the table in an unfolded position.

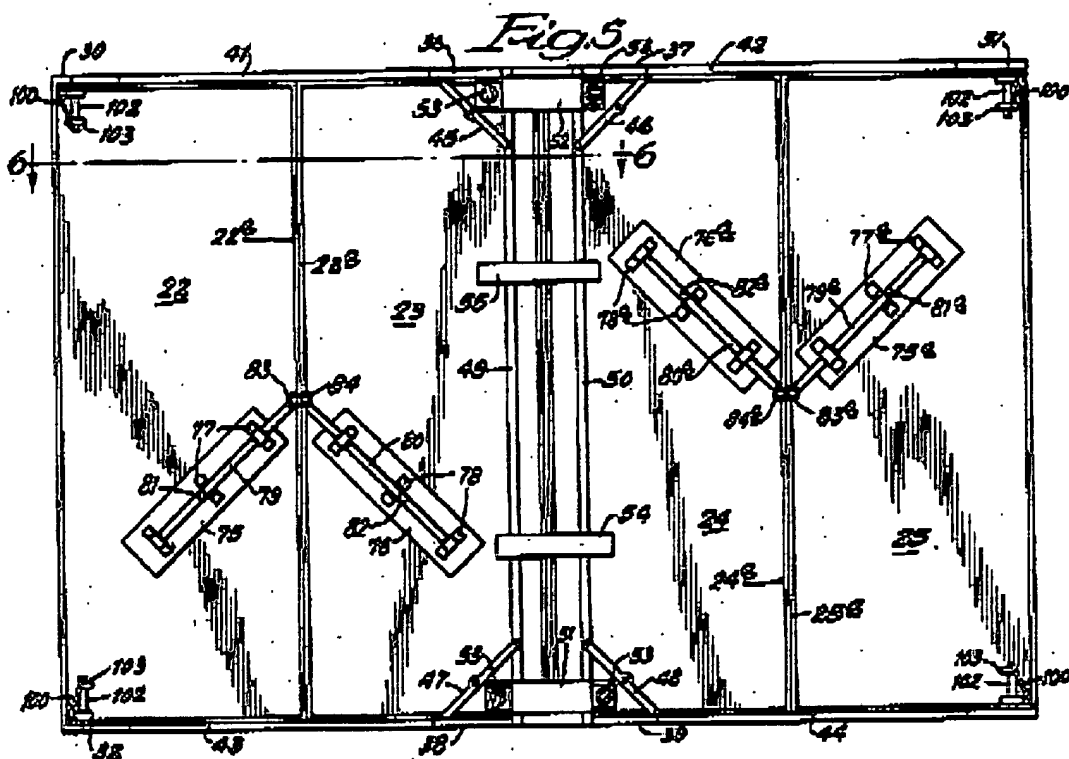
24. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liang in view of Heisler (US Patent Number 2860383). Liang discloses a table as recited in claim 2 including a hinge (14) but does not disclose a means to facilitate retaining said foldable portions in an unfolded position. Heisler (Figure 5) discloses a platform/table with means (75-80 etc.) to facilitate retaining the platform in an unfolded position. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liang's table to include means to facilitate retaining the platform in an unfolded position as taught by Heisler because this would strengthen and secure the table while in an unfolded position.

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25. Regarding claims 5 and 6, Heisler's means for facilitating retaining the platform in an unfolded position comprise a plurality of pins (79, 80) detachably engageable with openings (77, 78) formed along fold edges of platform portions when the openings are aligned with the table top portions in an unfolded position, and an elongated (at least somewhat) flexible strip (75) engageable with a bottom surface of the table top along a fold line of the platform portions.

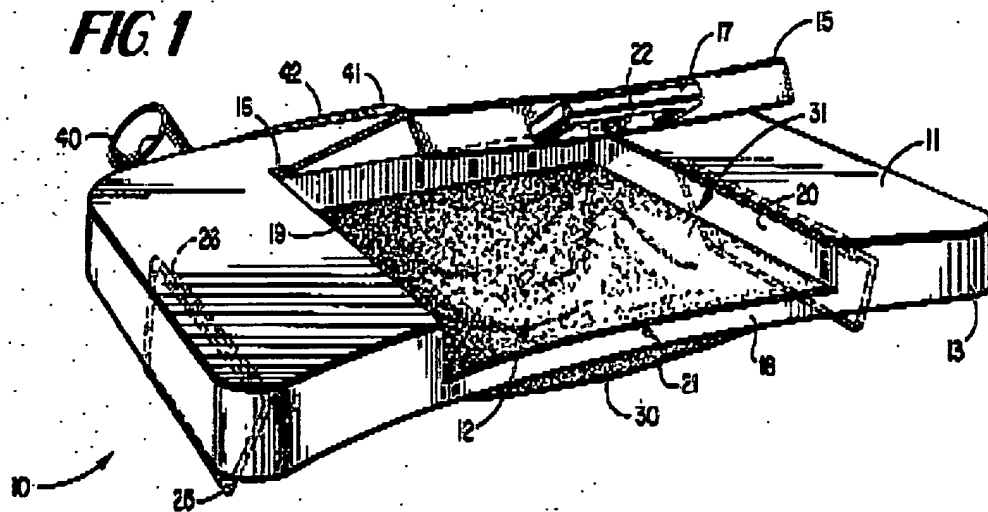


**Exhibit 1:** Bartelle '518 Figure 2



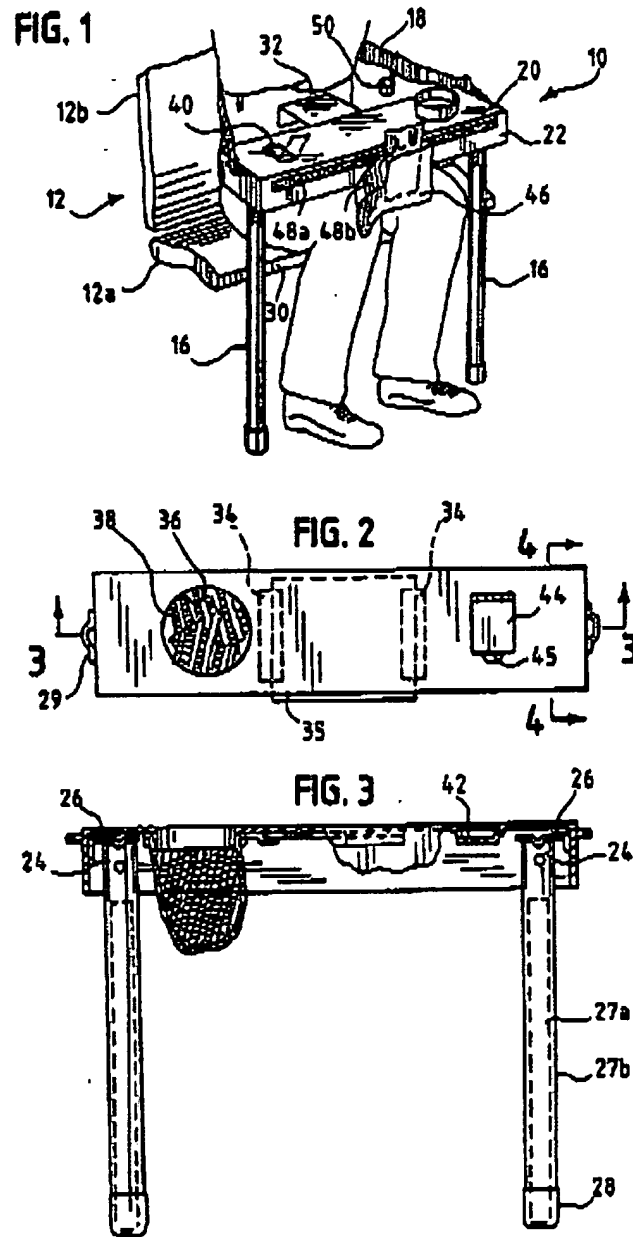
Heisler '383 Figure 5

26. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenny in view of Smith et al. (US Patent Number 4312507). Brenny discloses a table as recited in claims 8 and 15 but does not disclose a latch for the cover. Smith (Figure 1) discloses a tray/table (10) having a cover (15) with a latch (22) movable between an open position allowing the cover to be opened, and a closed position preventing opening of the cover. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brenny's cover to include a latch as taught by Smith because this would allow the cover to be secured to the tabletop.



Smith et al. '507 Figure 1

27. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenny in view of Zeiders (US Patent Number 6675721). Brenny discloses a table as recited in claims 10 and 15 but does not disclose the waste receptacle comprising a mesh bag. Zeiders (Figures 1-3) discloses a table (10) with a receptacle comprising a mesh bag (38) having an upper edge adapted for securing it to the tabletop across an opening (36). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brenny's table to use a mesh bag as taught by Zeiders because this arrangement would make the table more portable.



Zeiders '721 Figures 1-3

***Conclusion***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Birsell et al. (US Patent Number 6662732), Fraise (US Patent Number 6321662), Aldridge et al. (US Patent Number 5572934), and Polries (US Patent Number 5542359) references are cited for disclosing various aspects of the invention of the instant application.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG *ib*  
4/12/2006

  
JAMES O. HANSEN  
PRIMARY EXAMINER